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16 Attorneys for Defendants
17 CITY AND COUNTY OF SAN FRANCISCO,
18 AND PAUL MIYAMOTO, IN HIS OFFICIAL
19 CAPACITY AS SAN FRANCISCO SHERIFF

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 JOSHUA SIMON, DAVID BARBER, AND
2 JOSUE BONILLA, INDIVIDUALLY AND
3 ON BEHALF OF ALL OTHERS
4 SIMILARLY SITUATED, DIANA BLOCK,
5 AN INDIVIDUAL AND COMMUNITY
6 RESOURCE INITIATIVE, AN
7 ORGANIZATION,

8 Plaintiffs,

9 vs.

10 CITY AND COUNTY OF SAN
11 FRANCISCO, PAUL MIYAMOTO, IN HIS
12 OFFICIAL CAPACITY AS SAN
13 FRANCISCO SHERIFF,

14 Defendants.

15 Case No. 4:22-cv-05541 JST

16 **STIPULATION TO CONTINUE CASE
17 MANAGEMENT CONFERENCE;
18 ~~PROPOSED~~ ORDER**

19 Hearing Date: August 26, 2025
20 Time: 2:00 p.m.
21 Place: Courtroom 6, 2d Floor

1 Plaintiffs Joshua Simon, David Barber, and Josue Bonilla (together, “Plaintiffs”) and
2 Defendants City and County of San Francisco and Paul Miyamoto (together, “Defendants,” and
3 together with Plaintiffs, the “Parties), by and through their respective undersigned counsel of record,
4 hereby stipulate as follows:

5 WHEREAS, on February 26, 2024, Defendants appealed a preliminary injunction (the
6 “Preliminary Injunction”) issued by this Court in *Joshua Simon v. City and County of San Francisco*,
7 No. 4:22-cv-5541-JST (N.D. Cal.) (the “Federal Action”), and that appeal was docketed as *Joshua*
8 *Simon v. City and County of San Francisco*, No. 24-1025, in the Ninth Circuit (the “Appeal”);

9 WHEREAS, Defendants appealed to the Ninth Circuit this Court’s order on Plaintiffs’ motion
10 to enforce the Preliminary Injunction, and plaintiffs in the Federal Action moved to dismiss the appeal,
11 *see Joshua Simon v. City and County of San Francisco*, No. 24-6052 (9th Cir.) (the “Second Appeal”);

12 WHEREAS, on April 23, 2025, the Ninth Circuit affirmed in part and vacated in part the
13 Preliminary Injunction in the Appeal, denied the motion to dismiss the Second Appeal, and granted
14 Defendants’ motion to stay in the Second Appeal, *Simon v. City and County of San Francisco*, 135
15 F.4th 784 (9th Cir. 2025) (the “Appeal Order”);

16 WHEREAS, on May 7, 2025, plaintiffs in the Federal Action petitioned the Ninth Circuit for
17 panel rehearing and rehearing en banc as to the Appeal Order;

18 WHEREAS, on May 30, 2025, the Ninth Circuit denied the petition for panel rehearing and
19 rehearing en banc and the mandate issued thereafter in the Appeal and Second Appeal;

20 WHEREAS, on June 10, 2025, the Court issued an order scheduling a case management
21 conference for July 15, 2025 (subsequently re-scheduled to August 26, 2025); and

22 WHEREAS, in light of the Ninth Circuit’s ruling, the Parties are currently discussing potential
23 resolution of this action.

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1 To preserve the Parties' and this Court's resources, the Parties HEREBY STIPULATE AND
2 AGREE and jointly request that the Court continue the Case Management Conference to September
3 30, 2025 at 2:00 p.m., or at such other date and time as is convenient for the Court.

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5 Dated: August 19, 2025

6 DAVID CHIU
7 City Attorney
8 JENNIFER E. CHOI
9 Chief Trial Deputy
10 ALEXANDER J. HOLTZMAN
11 JOSE A. ZELIDON-ZEPEDA
12 Deputy City Attorneys

13 By: /s/ Jose A. Zelidon-Zepeda
14 JOSE A. ZELIDON-ZEPEDA

15
16 Attorneys for Defendants

17 CITY AND COUNTY OF SAN FRANCISCO,
18 AND PAUL MIYAMOTO, IN HIS OFFICIAL
19 CAPACITY AS SAN FRANCISCO SHERIFF

20 Dated: August 19, 2025

21 AMERICAN CIVIL LIBERTIES UNION
22 FOUNDATION OF NORTHERN CALIFORNIA, INC.

23 By: */s/ Avram Frey
24 AVRAM FREY

25 Attorneys for Plaintiffs

26 , JOSHUA SIMON, DAVID BARBER, AND JOSUE
27 BONILLA, INDIVIDUALLY AND ON BEHALF OF
28 ALL OTHERS SIMILARLY SITUATED, DIANA
BLOCK, AN INDIVIDUAL AND COMMUNITY
RESOURCE INITIATIVE, AN ORGANIZATION

*Pursuant to L.R. 5-1(h)(3), the electronic signatory
attests that each of the other Signatories have concurred
in the filing of this document.

1 **~~PROPOSED~~ ORDER**

2 Based on the parties' stipulation, and for good cause appearing, the Court VACATES the case
3 management conference set for August 26, 2025 at 2:00 p.m., and RESETS the case management
4 conference for September 30, 2025 at 2:00 p.m. The joint case management statement is due by
5 September 23, 2025.

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7 **IT IS SO ORDERED.**

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9 DATED: August 20, 2025


10 HONORABLE JON S. TIGAR
11 United States District Judge